

EXHIBIT J

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

KELTON DAVIS, WILLIAM TURNER,
ALTAGRACIA HERNANDEZ, EDWIN LARREGUI,
ROMAN JACKSON, KRISTIN JOHNSON,
ELEANOR BRITT, ANTHONY ANDERSON,
LASHAUN SMITH, SHAWNE JONES, HECTOR
SUAREZ, ADAM COOPER, ANDREW
WASHINGTON, P.L. By His Parent LISA
PIGGOTT, DAVID WILSON, and GENEVA
WILSON, individually and on behalf of
a class of all others similarly
situated,

Plaintiffs,

-against- 10 Civ.699
[rel. 08 Civ.

THE CITY OF NEW YORK and NEW YORK 1034](SAS)
CITY HOUSING AUTHORITY,
Defendants.

December 6, 2011
10:24 a.m.

Videotaped deposition of DEPUTY COMMISSIONER
JULIE L. SCHWARTZ, taken by Plaintiffs, pursuant
to Notice, held at the offices of Paul Weiss
Rifkind Wharton & Garrison LLP, 1285 Avenue of
the Americas, New York, New York, before Joseph R.
Danyo, a Shorthand Reporter and Notary Public
within and for the State of New York.

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APPEARANCES:

NAACP LEGAL DEFENSE AND EDUCATIONAL FUND,
INC.

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By: JIN HEE LEE, ESQ.

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-and-

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By: MARLA S. BODDEN, ESQ.

-and-

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100 Church Street

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By: TONYA JENERETTE, ESQ.

GEORGE SOTERAKIS, ESQ.

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APPEARANCES: (Continued)

Also Present:

DEBORAH L. ZOLAND, ESQ.

DANIEL PASSESE, ESQ.

NYPD

NICHOLAS GUZMAN,

Videographer

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IT IS HEREBY STIPULATED AND AGREED, by and
among the attorneys for the respective parties
hereto, that the sealing and filing of the within
deposition be, and the same hereby are, waived;
and that the transcript may be signed before any
Notary Public with the same force and effect as
if signed before the Court.

IT IS FURTHER STIPULATED AND AGREED that
all objections, except as to the form of the
question, shall be reserved to the time of trial.

1 (Pages 1 to 4)

New York
Connecticut

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New Jersey
Pennsylvania

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1 Schwartz
 2 done because now we have all these different
 3 programs and we have the investigators come to
 4 watch trials and meeting with the board. We have
 5 encouraged them to not -- to try not to overrule
 6 the investigators unless, you know, there is a --
 7 unless there is legally sufficient reasons to do
 8 so, because they make those kind of cases that
 9 much harder to prove.
 10 Q. And you said that the rate of the DAO
 11 declining to prosecute has decreased?
 12 A. Yes.
 13 Q. When did that decrease begin?
 14 A. Last year, 2010.
 15 Q. How much of a decrease?
 16 A. Significant. For a couple of years
 17 we were at a rate where almost a third of the
 18 cases we were unable to prosecute. I think last
 19 year roughly 20 percent of the cases. And so far
 20 this year about 16 percent of the cases that we
 21 are unable to prosecute, so we are moving in a
 22 very good direction.
 23 Q. Has the number of cases that your
 24 office has dismissed, has that changed?
 25 MS. JENERETTE: Objection to form.

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1 Schwartz
 2 A. Yes.
 3 Q. How has it changed?
 4 A. Well, because in general, not just
 5 with the CCRB, but because since when I came on
 6 as the advocate, one of the things I tried to
 7 instill is better investigations from the groups
 8 that come to us with the cases and a better
 9 up-front analysis, like the first year I think I
 10 ended up dismissing 63 cases.
 11 Now it is a few cases a year, and it
 12 has been kind of a witness uncooperating or maybe
 13 some kind of evidence comes up later, so that is
 14 the big difference.
 15 Q. Going back to Schwartz Exhibit 9,
 16 looking at the dispositions, it appears that
 17 instructions is the most common disposition. Is
 18 that true for allegations of wrongful stop in
 19 general?
 20 A. It would be fact-specific. I mean
 21 cases that fall within the abuse of authority
 22 area can be where an officer he or she believes
 23 they are doing the right thing. These cases were
 24 officers have a misconception because it was a
 25 NYCHA property or a TAP building that they didn't

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 2 need to follow reasonable suspicion to make a
 3 stop. They could stop anyone.
 4 That is why these cases were ripe for
 5 instruction. These were training issues. These
 6 were issues that the officer needed to learn the
 7 appropriate -- that the appropriate rules still
 8 applied. It didn't change because of the
 9 location.
 10 Q. But, if an officer who received
 11 instructions engaged in the same misconduct a
 12 subsequent time, they would be ineligible for
 13 instructions?
 14 A. Correct.
 15 (Schwartz Exhibit 12, Document
 16 bearing Bates numbers NYC 0020288 through
 17 NYC 0020299, was so marked for
 18 identification, as of this date.)
 19 Q. I have handed you what has been
 20 marked Schwartz Exhibit 12. It is multiple
 21 documents with the Bates range NYC 0020288
 22 through NYC 0020299. Just let me know when you
 23 have had a chance to review it. I'm not going to
 24 ask you questions about every page, so perhaps if
 25 you just want to skim it and then if we get to a

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 2 section that you can review more closely.
 3 A. Okay.
 4 Q. If you go to Bates number NYC 20292,
 5 I am going to read the first full paragraph into
 6 the record, and where there is a redaction I am
 7 just going to say redaction. So "Mr. redaction
 8 went to the 46th Precinct soon thereafter to file
 9 a complaint. Sergeant redaction was present at
 10 the precinct and apologized to Mr. redaction
 11 several times and told Mr. redaction that he was
 12 just doing his job. Sergeant redaction gave Mr.
 13 redaction some forms and told him to only
 14 complete the bottom portion."
 15 Do you know what complaints the
 16 sergeant gave to the complainant to fill?
 17 MS. JENERETTE: Objection to the form
 18 of the question.
 19 A. I can't answer the question. I mean
 20 I would have to read this whole thing, look at
 21 the CCRB file. I mean I can't answer from that
 22 sentence.
 23 Q. So you are not aware of any standard
 24 forms that someone would give a complainant at
 25 the precinct?

65 (Pages 257 to 260)